



Honorable August B. Landis
United States Bankruptcy Judge



Entered on Docket
December 17, 2021

GARMAN TURNER GORDON LLP
GERALD M. GORDON
Nevada Bar No. 229
E-mail: ggordon@gtg.legal
TALITHA GRAY KOZLOWSKI
Nevada Bar No. 9040
E-mail: tgray@gtg.legal
MARK M. WEISENMILLER
Nevada Bar No. 12128
E-mail: mweisenmiller@gtg.legal
7251 Amigo Street, Suite 210
Las Vegas, Nevada 89119
Tel: (725) 777-3000
Fax: (725) 777-3112
Attorneys for Defendants

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

BRANDON SATTLER,

Debtor.

P. STERLING KERR as Trustee of THE BDS
INVESTMENT TRUST amended and restated
on May 22, 2018;

Plaintiff,

v.

JAMES RUSSELL, et al,

Defendants

Case No.: BK-18-16466-ABL

Chapter 7

Adv. Pro. No. 21-01060-ABL

Hearing Date: December 14, 2021
Hearing Time: 10:00 a.m.

**ORDER GRANTING MOTION TO DISMISS WITH PREJUDICE
AND CLOSE ADVERSARY PROCEEDING**

Defendants James Russell, Grant Witcher, and Julie Russell's (collectively, the "Defendants") *Motion to Dismiss with Prejudice and Close Adversary Proceeding* [ECF No. 35] (the "Motion")¹ came on for hearing before the above-captioned Court on December 14, 2021, at 10:00 a.m. (the "Hearing"). Mark M. Weisenmiller, Esq. appeared at the Hearing on behalf of the Defendants and Peter R. Pratt, Esq. appeared at the Hearing on behalf of P. Sterling Kerr as Trustee of the BDS Investment Trust amended and restated on May 22, 2018 (the "Plaintiff").

The Court stated its findings of fact and its conclusions of law on the record at the Hearing, which findings of fact and conclusions of law are incorporated herein by this reference in accordance with Rule 52 of the Federal Rule of Civil Procedure and made applicable by Rules 9014(a) and (c) and 7052 of the Federal Rule of Bankruptcy Procedure. Good cause appearing therefor,

IT IS HEREBY ORDERED that:

1. The Motion is granted in its entirety;
2. The Amended Complaint and Adversary Proceeding are dismissed with prejudice; and
3. The Adversary Proceedings shall be closed, and all matters on calendar in the Adversary Proceeding vacated.

IT IS SO ORDERED.

PREPARED AND SUBMITTED:

GARMAN TURNER GORDON LLP

BY: /s/ Mark M. Weisenmiller

GERALD M. GORDON
TALITHA GRAY KOZLOWSKI
MARK M. WEISENMILLER
Attorneys for Defendants

¹ All capitalized undefined terms used herein shall be ascribed the definitions set forth in the Motion.

LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies as follows:

- ☐ The Bankruptcy Court waived the requirement of approval under LR 9021(b)(1).
- ☐ No party appeared at the oral ruling on the motion.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order as stated above.

Peter R. Pratt, Esq.
Counsel for Plaintiff

[APPROVED]

- ☐ I have certified that under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objection to the form or content of the order.

###